Mug appl no 7 of 1935-36 re:
Mugavala Chalkam - Hakki Tk.

General and Revenue Secretariat. Mug File No. 64 of 1935-6. [App. F. III-2

Petition of 10-8-35 filed by Mr B.S. Chandrasekharaa Rao BA-BL Advocate Bangalore city on behalf of Mr Ananthanarayan alias Rajanna — Magubalal Village - Hakki Jatti appealing against the order of the Mug Rev Commissioner in the matter of this claim for the Chalkam at the place.

The appeal is prefered in time & the petn sufficiently Stamped. As the order passed by the M.C. is in accordance with the Law opinion communicated to him in this Office letter No. 1338/Mug 211-34-5 of 18/4/35 (Vide refs in paras 15-21 in the file rep'd herewith).

This the only ground of any consideration as prayed for by the petr is called for —

G.V
30/8-

3) Kind attn is invited to MC's letter No. 536 A 4-1-35 (flag C) in Mug file No. 211-34 Sls 1-4 pnds upto and paras 15 to 21 of the note thereon. It will be kindly seen therefrom that the M.C. supported on grounds of equity that the Chalkam may be left in the management of the appellant in (2) if it should be treated as a Mug Grant [illegible]

NOTE—Contn. Sheet.

Mys appl. 70 of 1935-36
re: Muguvala Chathiam Horakeri

Mys File No. 64 of 193 5-6 | General and Revenue Secretariat

may be appointed Sri Dhamodaran.
The Law opinion however was different
& was communicated to me & the
hrs passed orders accds. In these
circs the appeal may perhaps be
A | rejected and the appellant informed
that the matter has been enquired into
& that his request cannot be conceded.

10/9/35

GENERAL 10 SEP 1935

SECOND MYS SECN 23 NO

Ayn Secy)

4. Agm

II Mysore)

1 Mm 20/9

2/23/9

5) 1 Mr 23/9

6) 1 Mm 23/9

2/24/9

1) Draft submd. with a draft.

G.S 24.9.35

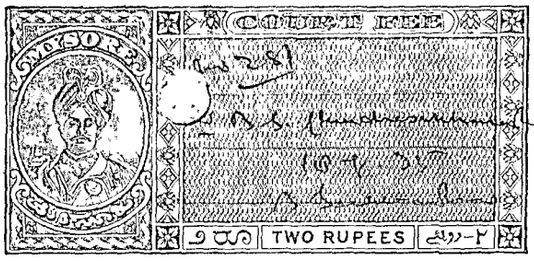
5) 2nd 2/24/9

No 4499 3.10.35 from Ananthanarayana alias Rajanna c/o Mr B.S. Candrasekhara Rao Advocate Bangalore city intimating that his petition is rejected.

24-10-35

Mm 24.10.35

Mes 64-35-1
3



GENL. & REV. SECRETARIAT
182
12 AUG 1935

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

Muzarai Appeal No. 7 35-36.

Appellant:		Respondent:
Annantharamiah alias, Rajanna. Land Holder, Hugubala village, Jadagenahalli Hobli, Hosakote Taluk.	Vs.	The Government of Mysore.

The appellant named above humbly prays that the records of A.Dis No. Mis.193 of 34-35 dated 5-5-1935 and the connected records may kindly be called for from the file of the Muzarai Commissioner, in Mysore, Bangalore and the order passed may kindly be set aside on the following amongst other grounds.

1. Without prejudice to the contentions put forward by the appellant as regards the ownership, possession and occupation of the chattram in question, the petitioner begs leave to confine himself only to the equitable proposal contained in the order of the Muzarai Commissioner and prays modification of the same in the following respects:

2. Appellant is willing to accept the scheme of management framed under section 18 (4) of the Muzarai Regulation provided a suitable scheme is drawn-up by the concerned officers and is put before the appellant for acceptance. He prays orders to the concerned officers accor-

accordingly.

3. [illegible] is concerned [illegible] confirm, [illegible] it hereditarily [illegible] of the unimpeachable [illegible] chattam by appellant [illegible] they have built it at their [illegible] it exclusively at their own costs.

4. At any rate, whether any [illegible] of the appellant as sole Trustee is [illegible] or not, the appellant earnestly [illegible] members of his family if they [illegible] fit to act as sole Trustee, or [illegible], then these must have preference to be [illegible] as sole Trustee: before this choice [illegible] amongst others unconnected with the family. The above arrangements is to be continued after the cessation of the sole Trusteeship offered to the appellant at present.

5. The prayers that he has made in this petition may kindly be considered as reliefs asked as modifications of the order of the Huzurai Commissioner now under appeal [illegible] opinion of that Hima officer be taken also as regards this matter.

6. The appellant submits the following additional grounds for granting him the modifications of the order as set [illegible] above:

(a). The appellant submits that the [illegible] on which the chattram is built is granted by his ancestors for valuable consideration

consideration and government acquiesced in the proposal of the appellant's ancestors Maharajah to build the chattram thereon. A statement made in the said Commissioner's Court to the effect that the local officers had acquiesced the same is not borne out by the records and the facts of the case. Assuming the statement made that it was built out of the public subscriptions, the appellant is prepared to produce unimpeachable evidence that it was built by his family funds.

(b). The appellant submits that though the Civil Case was dismissed on the technical grounds yet the observations made by the learned Judge in O.S. 2 of 1927-28, on the file of the District Judge, Bangalore, cannot but have weight on the merits of the claim of the appellant.

(c). With a view to perpetuate the charity founded by their ancestors, the appellant who is a respectable and loyal subject paying nearly Rs.1000/- as assessment to the Government, has himself voluntered, to come to a satisfactory settlement of the question involving identical, though law, equity and justice and in the interest of his clients.

(d). The appellant submits that in view of the engagement to maintain some institution for the public of the city of Bangalore has been carried out without any his enormous resources and the Government.

(e) In consultation with the Deputy Commissioner

3. As to the question of the sole trustee-
ship concerned, the applicant submits that con-
firming it personally to him has not stemming
it historically from the chieftainship, in view
of the unique chieftain claim of service to the
chiefs and the applicant's ancestors when
they have built it at their cost and maintained
it exclusively at their own costs.

4. At any rate, whether any hereditary right
of the applicant as sole trustee is recognised
or not, the applicant earnestly prays that the
members of the family if they are otherwise
able to act as sole trustee, as forth coming,
then they must have preference to be appointed
as Sole Trustee: before the choice is made -
amongst others connected with the family.
The above arrangements is to be continued
after the cessation of the sole Trusteeship
offered to the applicant at present.

5. The prayers that he has made in this
petition may kindly be considered as reliefs
asked as specifications of the order of a
Hereafter Commissioner or under appeal in the
opinion of the said officer be taken also
as pleadings this matter.

6. The applicant submits the following
additional grounds for granting him the
Qualifications of the Order as set out above:

(a). The applicant submits that the
Public Trustee built is acquired
by the Act for valuable consideration

consideration and Government acquiesced in the proposal of the Appellant's ancestors Shasanaiah to build the chattrum thereon. The statement made in the Assistant Commissioner's order to the effect that the Local Officers had acquired the land is not borne out by the records and the facts of the case. Even less the statement made that it was built out of the public subscriptions, true, as the appellant is prepared to produce unimpeachable evidence that it was built by his family funds.

(b). The appellant submits that though the Civil Case was dismissed on ~~the~~ technical grounds yet the observations made by the Learned Judge in O.S. 2 of 1927-28, On the file of the District Judge, Bangalore, cannot but have value on the merits of the claim of the Appellant.

(c). With a view to perpetuate the charity founded by their ancestors, the appellant who is a respectable and Loyal Land Lord paying nearly Rs 1000/- as assessment to the Government, has himself volunteered, to come to satisfactory settlement of this long pending question, though Law, ~~equity~~ and procedure, were ill on his side.

(d). The appellant submits in giving the management to him only as bore Trustee, the ~~an~~ injustice has been done and irreparable loss of prestige has been caused not with-standing ~~his~~ the enormouns sacrifices at the hands of the Government.

(e) In consultation with the Assistant Commis-

[illegible]

1.-

(i). [illegible]

[illegible]

(ii). [illegible]

[illegible]

(iii) [illegible] (ii)

[illegible] upon other terms be given

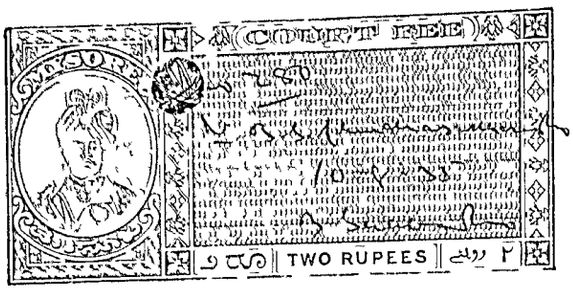
[illegible] the Government might finally be accepted.

[illegible]

I am [illegible]

[illegible] Appellant.

B. S. CHANDRASEKHAR RAO,
B.A., L.L.B.
ADVOCATE



7

Before the Government of His Highness the Maharaja of Mysore, Bangalore ಕೋರ್ಟಿಗೆ.

1935—1936ನೇ Mysore Appellate ಅಪೀಲಿನವರು.

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್		ಪ್ರತಿವಾದಿ ಯಾ ಅವ್ವೋನೆಂಟ್
Amantharamma alias Rajamma	V.S	The Government of Mysore .....

ಮಾ|| ರಾ|| ಬಿ ಎಸ್. ಚಂದ್ರಶೇಖರರಾವ್ ಬಿ ಎ, ಎಲ್ ಎಲ್ ಬಿ, ಅಡ್ವೊಕೇಟ್.

Appellant Amantharamma ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಜ್ಞೆರುವರಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರ್‌ನ್ನೂ, ಡಿಕ್ರೆಯನ್ನೂ, ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರೆ ಮೊಬಲಗು, ಸಿಲ್ಕು ಮೊಬಲಗು ಸಹ ವಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಥೇನೆ ಅಲ್ಲದೆ ತಾವಾ ಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಥೇನೆ.

ತಾರೀಖು 10-8-1935 ರುಜು B. S. Chandrasekhar Rao.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ

B S C Rao.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಥೇನೆ

B. S. Chandrasekhar Rao

ಅಡ್ವೊಕೇಟರು

M. P. PRESS, BANGALORE CITY

In the Court of the Madras Commissioner
in his office Bangalore
A/C 536/31-32

Appellant.

Anantharamaiah alias
Rajannah Landholder
Hegubala village, Jadagenahalli Hobli Hoskote Taluk

Respondent.

Vs. Government

Subject:- Appeal against the order of the Deputy Commissioner Bangalore district rejecting the claim of the appellant to the ownership of the Chavadi at Hegubala village, Hoskote Taluk and directing his eviction under Sec 209 Land Revenue Code.

Facts of the Case

The question of the ownership of the Chavadi has come up before Government in connection with the erection of a Compound Wall to the Chavadi. In Madras Secretary's letter No. 94-14-11 dated 4th November 1921 addressed to the Deputy Commissioner Government observed that the land on which the Chavadi in question had been acquired by the local Authorities and given to Bhaskaraiah (appellant's father) that

been built out of public subscriptions and that the appellant can have no private rights over the site or the building erected and directed that the Deputy Commissioner should take needful action in the matter. The latter thereupon directed an eviction to issue to the appellant. The appellant filed an appeal before the Asst Commissioner which was dismissed on the ground that it was not open to the Deputy Commissioner or the Mysore Commissioner to go behind the finding of Government. Even in Mysore Secretary's letter dated 6th November 1921 the appeal and review petitions presented by the appellant to Government were also rejected. He then filed a civil suit in the District Judge's Court, Bangalore under Section 21 of the Mysore Regd on for a declaration of his title to the Chatram. The District Judge dismissed the suit. costs. Appeal but gave a finding that the Chatram is not a Mysore Institution and that it is the appellant's private property though it may have been intended for the use of the public. As the judgment of the civil court did not affect the orders of Government, the Deputy Commissioner directed that action should be taken under Section 209 of Land Revenue Code to evict the appellant. Hence the present appeal. The appellant contends that the Chatram

was built by his ancestors out of their private funds, that his family has been in possession of the Chakan for over 75 years and that the order of the Deputy Commissioner is wholly illegal under Section 204 of Land Revenue Code. He however submits that without prejudice to the claim set up by him, he is prepared to come to an equitable settlement of Government deem fit to adopt such a course.

The case came up for hearing on 31st October 1934.

Order (R Dis No 193/34-35 dated 6-35

The finding of the District Judge in Suit No 2 of 1927-28 regarding the merits of the case are not binding on Government since the Suit itself was dismissed with costs. Government have already held that the Chakan is a public charitable institution, and the petitioners claim to hold as private property is clearly inadmissible.

The appeal is therefore dismissed. If the petitioner, however agrees to a proper scheme of management being framed under Section 18(4) of the Bombay Religious and Charitable Institutions Registration, the question of appointing him as a trustee

[illegible]

[illegible] by Mrs Chandra Sekhara Rao
on 29 6' 35"

[illegible] - 29 6 35"

[illegible] 0-0-5

[illegible] 4 75"

[illegible] 0-10-0

[illegible] 0-1-8
0-11-8

[illegible] Venkataramanaiah

[illegible]

[illegible]

935

"Copy"

S Ramachandraiah
Manager
Mrs. Cama's Office
Dated 11.7.35"

Appendix F. G.–1]

SUBJECT

Section Mug

File No 64-35

Serial No 2

Diary No. of letter replied to ... 1372

No G. M.

To 449

Ananthanarayana alias Rajanna c/o Mr B.S Chandrasekhara Rao B.A. B.L.B. Advocate. Bangalore city

General and Revenue Secretariat

( )

the *193* .

Date of issue. 3-10-35

Signed by Muddukrishnappa

With reference to his petn dtd 10-8-35 appealing against the order of the R.D.O. in R.R. 193/34-35 dtd 9-5-35 in the matter of the Chattanam of Mugabala Village. Hoskote Tk.

Mr Ananthanarayana, the petitioner is informed that the matter has already been enquired into and that by Govt. & his request cannot be granted. The appl. petn is therefore rejected.

List of enclosures

This has been enquired into

Copied by

Examined by

B. C.

For Secretary

P. T.

450 Encl: 03-10-38

13) Copy forwarded with compliments
~~Copy~~ to the C. in Continuation of

this Office Letter No 1338/Mug 211-34-4 x 91
dt 18. 4. 38 —

A. O

L/V/19

Forwarded

C/S
24. 9. 38 Bde 29.35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 27th September 1935

No Ft. 448 - Mey 64-35-2

3-10

ENDORSEMENT

OFFICIAL MEMORANDUM.

Mr. Anantharamaiya alias Rajanna
C/o Mr. M.S. Chandrasekhara Rao, B.A., B.L.,
Advocate, Bangalore City.

With reference to his petition dated 10th August 1935 appealing against the Muzrai Commissioner's order No. Mis 193/34-35 dated 9th May 1935 in the matter of the ownership of the Chattram at Nugubala village, Hoskote taluk, Mr. Anantharamaiya, the petitioner, is informed that the matter has been enquired into by Government and that his requests cannot be considered. The appeal petition is therefore rejected.

By Order,

General Secretary to Government.